

TOWN OF DAVIE
TOWN COUNCIL AGENDA REPORT

TO: Mayor and Councilmembers

FROM/PHONE: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

PREPARED BY: Barbara McDaniel, MMC, Assistant Town Clerk/954-797-1023

SUBJECT: Minutes

AFFECTED DISTRICT: n/a

ITEM REQUEST: **Schedule for Council Meeting**

TITLE OF AGENDA ITEM: February 18, 2009 (Regular Meeting)

REPORT IN BRIEF: Council minutes from the February 18, 2009 Council meeting.

PREVIOUS ACTIONS: n/a

CONCURRENCES: n/a

FISCAL IMPACT: not applicable

Has request been budgeted? n/a

RECOMMENDATION(S): Other - Motion to approve

Attachment(s): February 18, 2009 minutes

**TOWN COUNCIL
REGULAR MEETING
February 18, 2009**

1. PLEDGE OF ALLEGIANCE

The meeting was called to order at 6:29 p.m. and was followed by the Pledge of Allegiance.

2. ROLL CALL

Present at the meeting were Mayor Truex, Vice-Mayor Luis, and Councilmembers Crowley and Starkey. Also present were Town Administrator Shimun, Town Attorney Rayson, and Town Clerk Muniz recording the meeting. Councilmember Hubert was absent.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to excuse Councilmember Hubert. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

3. PRESENTATIONS

3.1 Holiday Toy and Food Drive - Councilmember Hubert

Mayor Truex presented certificates of appreciation to those who had participated in the Holiday Toy and Food Drive. Mr. Shimun thanked staff members Anita Reed, Bonnie Stafiej and Giovanni Moss for their participation.

3.2 Top 100 Fleets Award - First Vehicle Services

Procurement Manager Herb Hyman introduced Audrey Feldman and Mark Segal from First Vehicle Services, who presented Council with a Top 100 Fleets award.

3.3 EASE Foundation - Linda Owens

Linda Owens introduced Scott Martin from Martin Goldcoast, who displayed renderings for the new bus shelters that would be used throughout the Town. Mr. Martin informed Mayor Truex that the EASE Foundation would maintain the trashcans in the shelters.

Council discussed the styles and colors and decided on the green "Streetscape" design with the domed roof.

3.4 SWIM Central - Karen King

Matthew Berman, Director of the Swim Central Broward County Water Safety Program, acknowledged the Town's successful water safety education program. He presented the Town with a plaque on behalf of the Broward County Commission and Swim Central.

Mayor Truex thanked Ms. King for running the program.

Mr. Shimun recommended withdrawing item 4.21 because staff was investigating an alternative funding method through the CRA. Councilmember Crowley recommended

including the letter from the Schroeder McCall family in Council's backup for the next meeting. He remarked that the windows needed replacing to prevent further deterioration of the building. Councilmember Crowley was concerned that staff was considering utilizing endowment funds. Mayor Truex wanted to ensure that everything would be in place so that as soon as funding was approved the project could begin. Budget and Finance Director William Ackerman agreed to start the process now.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to table to the next meeting [March 4, 2009], and to include the letter from the McCall Schroeder family in Council's backup. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to add item 10.1, the Vision/Goal Setting Session. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

4. APPROVAL OF CONSENT AGENDA

Minutes

- 4.1 January 21, 2009 (Regular Meeting)

Proclamations

- 4.2 Children's Week 2009
4.3 Relay for Life Days (March 21-22, 2009)

Home Business Tax Receipts

- 4.4 1st Choice, 3689 Gulfstream Way (tabled from February 4, 2009)
4.5 Fullersound Inc., 3551 SW 116 Avenue

Resolutions

- 4.6 **SELECTION OF FIRM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRM OF MBIA ASSET MANAGEMENT TO PROVIDE INVESTMENT MANAGEMENT SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**
- 4.7 **SELECTION OF FIRM - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SELECTING THE FIRMS OF T & G CONSTRUCTORS, LEAD EX CORPORATION, AND SCANDINAVIAN BUILDERS, INC. TO PROVIDE MISCELLANEOUS CONSTRUCTION SERVICES AND AUTHORIZING THE TOWN ADMINISTRATOR OR HIS DESIGNEE TO NEGOTIATE AN AGREEMENT FOR SUCH SERVICES.**
- 4.8 **AUTHORIZATION - A RESOLUTION OF THE TOWN OF DAVIE GIVING AUTHORIZING THE TOWN ADMINISTRATOR TO**

APPROVE BY SIGNATURE STANDARD LEASE AGREEMENTS
FOR THE BERGERON RODEO GROUNDS

- 4.9 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT BETWEEN THE SCHOOL BOARD OF BROWARD COUNTY AND THE TOWN OF DAVIE TO PROVIDE A SCHOOL RESOURCE OFFICER PROGRAM FOR SEVEN (7) ELEMENTARY SCHOOLS, AND TWO (2) SECONDARY SCHOOLS, INDIAN RIDGE MIDDLE AND WESTERN HIGH SCHOOL IN THE TOWN OF DAVIE. (revenue to the Town - \$102,815)
- 4.10 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE TOWN OF DAVIE TO ENTER INTO AN AGREEMENT WITH BROWARD COUNTY SHERIFF'S OFFICE COMMUNICATION TECHNOLOGY DIVISION FOR INSTALLATION OF MOBILE DATA TERMINALS IN OUR EMERGENCY VEHICLES WITH GPS LOCATOR AND MAPPING SOFTWARE. (\$5,500 for aircards)

- 4.11 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO ENTER INTO AN AGREEMENT WITH TOSHIBA BUSINESS SOLUTIONS OF FLORIDA TO LEASE ONE COPIER FOR THE FIRE PREVENTION / BUILDING DIVISION OF THE DAVIE FIRE RESCUE DEPARTMENT. (\$1,499.89)
- 4.12 **AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE MAYOR TO EXECUTE A THREE (3) YEAR POLLUTION LIABILITY PARTICIPATION AGREEMENT WITH THE AMERICAN INTERNATIONAL GROUP (AIG), PROVIDING FOR POLLUTION LEGAL LIABILITY INSURANCE COVERAGE TO BE EFFECTIVE DECEMBER 21, 2008 TO DECEMBER 21, 2011, AUTHORIZING PUBLIC RISK INSURANCE AGENCY (PRIA) AS THE AGENT OF RECORD FOR THE AIG PARTICIPATION AGREEMENT, AND AUTHORIZING THE MAYOR TO EXECUTE ALL ATTACHED DOCUMENTS. (\$42,062)
- 4.13 **PROPOSAL/AGREEMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE PROPOSAL AWARDED BY THE CITY OF RIVIERA BEACH FOR RENTAL OF WORK UNIFORMS, SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. RFP #188-08 AND AUTHORIZES THE MAYOR TO EXECUTE THE STANDARD UNIFORM RENTAL SERVICE AGREEMENT.
- 4.14 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE CITY OF MIAMI GARDENS FOR GUARDRAIL REPLACEMENT AND INSTALLATION THROUGH THE SOUTHEAST FLORIDA COOPERATIVE PURCHASING GROUP BID NO. 08-09-001. (primary - Southeast Attenuators, Inc.; secondardy - R.J.P. Enterprises, Inc.)
- 4.15 **BID** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, APPROVING THE BID AWARDED BY THE SCHOOL DISTRICT OF PALM BEACH COUNTY FOR A TERM CONTRACT FOR PLAYGROUND PACKAGES. (Miracle Recreation Equipment, Co. - \$428,475.00)
- 4.16 **EXPENDITURE** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE EXPENDITURE OF FUNDS FROM THE POLICE DEPARTMENT'S FEDERAL FORFEITURE FUND ACCOUNT IN THE AMOUNT OF \$3,500.00 FOR A DONATION TO THE BROWARD COUNTY CRIME STOPPERS.

- 4.17 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPLICATION FOR A \$100,608.80 GRANT FROM THE FLORIDA DEPARTMENT OF HEALTH, BUREAU OF EMERGENCY MEDICAL SERVICES; AND AUTHORIZING ACCEPTANCE AND EXECUTION OF THE GRANT, IF AWARDED (WITH \$25,152.20 MATCHING FUNDS).
- 4.18 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING THE ROBBINS PARK APPLICATION TO THE BROWARD COUNTY PARTNERS IN PRESERVATION GRANT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION.
- 4.19 **GRANT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, SUPPORTING AND AUTHORIZING THE PINE ISLAND PARK APPLICATION TO THE BROWARD COUNTY PARTNERS IN PRESERVATION GRANT PROGRAM, AND IF AWARDED THE GRANT, AUTHORIZING ITS ACCEPTANCE AND EXECUTION.
- 4.20 **PERSONNEL POLICY** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA ADOPTING A PERSONNEL POLICY RELATED TO SAFETY AND ACCIDENT PREVENTION AND PROVIDING FOR AN EFFECTIVE DATE; THIS POLICY REPLACES RULE XVI SECTIONS 1-6 OF THE TOWN OF DAVIE PERSONNEL RULES AND REGULATIONS TITLED "SAFETY AND ACCIDENT PREVENTION."
- 4.21 **BUDGET AMENDMENT** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING STAFF TO AMEND THE 2009 C.I.P. BUDGET FOR THE REPLACEMENT OF WINDOWS AT THE OLD DAVIE SCHOOL. (not budgeted - \$120,000)
- 4.22 **MITIGATION** - A RESOLUTION OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING THE APPROVAL OF A REQUEST FOR MITIGATION OF CODE COMPLIANCE LIEN IN CASE NO. 06-293 FROM \$24,750.00 IN AMOUNT TO \$5,837.23; AND PROVIDING AN EFFECTIVE DATE.

Councilmember Crowley pulled items 4.14, 4.15, 4.21 and 4.22 from the Consent Agenda. Councilmember Starkey pulled items 4.3, 4.4, 4.7, 4.8 and 4.12. Vice-Mayor Luis pulled item 4.20.

Vice-Mayor Luis made a motion, seconded by Councilmember Starkey, to approve the Consent Agenda, less items 4.3, 4.4, 4.7, 4.8, 4.12, 4.14, 4.15, 4.20, 4.21 and 4.22. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

5. DISCUSSION OF CONSENT AGENDA ITEMS

4.2 Vice-Mayor Luis read the Children's Week 2009 proclamation.

4.3 Councilmember Starkey made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey read the Relay for Life Days proclamation

4.4 Councilmember Starkey referred to a letter she had received from the homeowner's association requesting that Council deny this because there had been problems regarding debris dumped on the property and equipment stored there.

Councilmember Starkey made a motion, seconded by Mayor Truex, to deny. Mr. Rayson confirmed Council could deny the request. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

4.7 Councilmember Starkey was concerned because the Town's Charter specified that they should not exceed \$25,000 for a project without a formal bid. Mr. Rayson said that he had examined Section 8 of the Charter, which indicated that this should be done by ordinance. Councilmember Starkey had told him any expenditure from \$25,000 to \$100,000 should come before Council. Councilmember Starkey said that staff had suggested some alternative language for the resolution.

Procurement Manager Herb Hyman clarified that this was a request for Council to approve the selection of the three firms. After this confirmation, Public Works Director Manny Diez would negotiate contracts with all three firms and these contracts would come before Council for approval. Mr. Hyman said that if Council was not comfortable with the current procedure, the language could be changed to indicate that staff would bring all projects over \$25,000 to Council.

Mr. Hyman explained to Mayor Truex that the contracts would include hourly rates from the three companies, which would enable them to provide bids for projects within days; a formal bidding process would take six to eight weeks. Mayor Truex did not object to the contract method for emergencies, but did not want to use it for "garden-variety stuff" over \$25,000.

Vice-Mayor Luis noted that the open bidding process could save the Town money and result in finding a contractor who specialized in a specific type of work. He recommended that any project over \$25,000 be put out to bid, except for emergencies. Mr. Diez wanted the "emergency" justification to include issues that must be addressed quickly, but did not rise to the level of emergencies. Mr. Shimun said that he could appreciate "both our need for speed and your need to have things open" and agreed staff would work within Council's guidelines.

Councilmember Starkey made a motion, seconded by Vice-Mayor Luis, to approve the selection of the three firms, provided that the bids were under \$25,000; anything above that amount must come before Council. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

4.8 Councilmember Starkey noted that on page 72, the Town of Davie Bergeron Rodeo Grounds name was reversed, and in much of the literature that had come out, the “Town of Davie” portion of the title was not included. This bothered Councilmember Starkey because the Town owned and maintained the facility. She wanted the 9B advertisement on pages 72 and 74 to read, “Town of Davie Bergeron Rodeo Grounds of Davie Florida.” Special Projects Director Bonnie Stafiej confirmed that it should read “Town of Davie Bergeron Rodeo Grounds” in any advertising and she would make sure this was put in the contract.

Councilmember Starkey stated that page 72, under “The following facilities”, should read, “...the Town of Davie Bergeron Rodeo Grounds...” The same should appear on page 74, 9B under the “designated, advertised name for the facility...”

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve with the amendment. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

4.12 Councilmember Starkey said that she did not feel comfortable with how this was laid out and did not believe it followed the process as specified in the Charter. Mr. Hyman explained that the Charter required that insurances be bid at least every five years or more frequently if market conditions changed and staff felt it was warranted. Within the five years, the Town utilized the services of an insurance consultant to obtain quotes. Because this quote was for \$51,000, Councilmember Starkey asked why normal procurement procedures had not been followed.

Executive Assistant Kristi Caravella informed Council that this pollution liability coverage had never been brought to Council before, which she assumed was an oversight. If Council did not approve this tonight, the policy would expire, but they could obtain a temporary binder.

Mr. Rayson believed Council had the authority to approve this if they wished.

Councilmember Crowley made a motion, seconded by Vice-Mayor Luis, to approve. In a voice vote, with Councilmember Hubert absent and Councilmember Starkey dissenting, all voted in favor. (Motion carried 3-1)

4.14 Councilmember Crowley said that he was in favor of this resolution. He stated that residents had alerted him to the lack of guardrails on 26th Street between Hiatus Road and Flamingo Road, and he wanted to ensure that the company would provide a bid for this project. Mr. Shimun was unsure whether this project was even on the priority list. Mayor Truex directed staff to visit the area and determine if it should be prioritized for guardrail installation.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Councilmember Crowley asked to hear item 9.1 next and Council agreed.

4.15 Councilmember Crowley asked what this resolution would commit the Town to and asked if Council would be presented with a design in the future. Mr. Diez said that staff would provide this to Council, and remarked that they would all be

identical. Mr. Diez explained that Broward County had a bid for ADA playgrounds, and that was why staff had chosen this particular project to piggyback.

Councilmember Crowley made a motion, seconded by Councilmember Starkey, to approve.

Mr. Diez explained to Mayor Truex staff had selected this contractor because he had done a good job with Palm Beach and had given the Town the same price that was given to Palm Beach County. Mayor Truex said that he would vote against this, not because he opposed the playground, but because he disagreed with this type of “piggyback” bid, because it could open the process up for corruption.

Councilmember Starkey said that she usually opposed this type of bid as well, but staff had devised a piggyback checklist, which gave them the ability to confirm that the contractors had performed well.

In a voice vote, the vote was as follows: Mayor Truex - no; Vice-Mayor Luis - yes; Councilmember Crowley - no; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion failed 2-2)

Councilmember Crowley made a motion, seconded by Mayor Truex, to put this item out for competitive bidding. Councilmember Starkey was concerned because the old equipment had already been demolished.

In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion passed 4-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to reconsider Council's previous motion to approve. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Councilmember Starkey made a motion, seconded by Mayor Truex, to withdraw. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Mr. Rayson advised Council that one of the sponsors of the original motion must move to reconsider.

Councilmember Crowley made a motion, seconded by Mayor Truex, to reconsider. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

Councilmember Crowley made a motion, seconded by Mayor Truex, to withdraw. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

4.20 Vice-Mayor Luis believed this was something Mr. Shimun should decide, and he wondered why it was on the agenda. Mr. Shimun said that Council had asked to approve these in the past. Councilmember Starkey said that Council was seeking a more comprehensive set of rules and regulations for the entire Town that would be adopted by Council.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

4.22 Councilmember Crowley asked what violation had led to the fines. Police Chief Patrick Lynn explained and advised that the owner was now in compliance. He advised that future reports to Council would provide additional information.

Councilmember Crowley made a motion, seconded by Mayor Truex, to table to the next meeting. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

6. PUBLIC HEARING

Ordinance - Second and Final Reading

- 6.1 **REZONING** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, APPROVING REZONING PETITION ZB 10-1-08, CHANGING THE CLASSIFICATION OF CERTAIN LANDS WITHIN THE TOWN OF DAVIE FROM A-1, AGRICULTURAL DISTRICT TO M-3, PLANNED INDUSTRIAL PARK DISTRICT; AMENDING THE TOWN ZONING MAP TO COMPLY THEREWITH; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE. (ZB 10-1-09, Herndon, 4903 SW 51 Street) *Planning & Zoning Board recommended approval {Approved on first reading February 4, 2009 subject to accepting the deed restrictions on recycling, scrap processing, automobile wrecking yard, sexually oriented business, adult entertainment, gambling with the exception of the Florida Lottery, and storage yard, all being in perpetuity. In a voice vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - no; Councilmember Starkey - yes.}*

Mr. Rayson read the ordinance by title.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Councilmember Starkey asked if Mr. Voigt had sent a letter to staff delineating the restrictions. Mr. Voigt replied that he had created a declaration of restrictive covenants and given it to Mr. Rayson. Planning and Zoning Manager David Quigley said that the covenant listed only the sexually oriented businesses as being restricted in perpetuity, but the original motion included all restrictions in perpetuity. Mr. Voigt stated that he had done this because the other uses were allowed in M-3, and agreed to correct this. Mr. Quigley suggested the restrictions be recorded before Mayor Truex signed the ordinance.

Councilmember Starkey made a motion, seconded by Councilmember Crowley, to approve, consistent with the recommendations of the original motion which are listed here as well as the declaration and not signing it until the restriction has been recorded. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion passed 4-0)

Ordinances - First Reading (Second and Final Reading to be held March 4, 2009)

6.2 **AMENDMENT** - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AUTHORIZING AN AMENDMENT TO THE ESTIMATED REVENUES AND APPROPRIATIONS FOR FISCAL YEAR 2009.

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on March 4, 2009.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Mr. Ackerman indicated that the ordinance would be changed for the second reading because of the funding of the Old Davie School project.

Vice-Mayor Luis made a motion, seconded by Councilmember Crowley, to approve. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion passed 4-0)

6.3 **COMPREHENSIVE PLAN AMENDMENT - AN ORDINANCE OF THE TOWN OF DAVIE, FLORIDA, AMENDING THE TEXT AND FUTURE LAND USE MAP OF THE TOWN OF DAVIE COMPREHENSIVE PLAN IN ORDER TO INCORPORATE THE 2005 EVALUATION AND APPRAISAL REPORT (EAR) BASED AMENDMENTS PURSUANT TO SECTION 163.3191 FLORIDA STATUTES; AMENDING THE INFRASTRUCTURE, CAPITAL IMPROVEMENT, INTERGOVERNMENTAL AND RECREATION OPEN SPACE AND CONSERVATION ELEMENTS OF THE COMPREHENSIVE PLAN IN ORDER TO PROVIDE FOR THE STATE MANDATED WATER SUPPLY AMENDMENTS; PROVIDING FOR THE TRANSMITTAL OF THE AMENDMENT PACKAGE TO THE FLORIDA DEPARTMENT OF COMMUNITY AFFAIRS; PROVIDING FOR SEVERABILITY; AND PROVIDING FOR AN EFFECTIVE DATE.**

Mr. Rayson read the ordinance by title. Mayor Truex announced that a public hearing on the ordinance would be held on March 4, 2009.

Mayor Truex opened the public hearing portion of the meeting. As no one spoke, Mayor Truex closed the public hearing portion of the meeting.

Todd Miller, representing the Iler Planning Group, stated that the document was ready for transmittal. As there was a technical glitch with the presentation equipment, he drew Council's attention to the printed copies of the presentation and described the project's progress.

Councilmember Starkey asked if the proportionate fair share would apply only within the Town. Mr. Miller explained that most municipalities engaged in interlocal agreements, since transportation networks crossed municipal boundaries. Mr. Quigley stated that there was a process the Town could use to mitigate impacts from large developments in nearby municipalities.

Mr. Miller advised that the next step was to submit the document to the State for comments. Any comments would be addressed by staff, the plan would be presented to Council for adoption, and then the State would perform one final compliance review.

Councilmember Starkey asked if water reuse should be included. Mr. Miller thought this was included in the water supply plan. Mr. Quigley agreed to look into this.

Councilmember Starkey made a motion, seconded by Mayor Truex, to approve transmittal to the Department of Community Affairs of these EAR-based amendments and staff would look into the issues Council had directed. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion passed 4-0)

7. **APPOINTMENTS**

7.1 Mayor Truex

7.1.1 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters,

child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

7.2 Vice-Mayor Luis

7.2.1 Budget Advisory Committee (one exclusive appointment - term expires April 2010) (members shall have experience in a financial related occupation, or similar skills)

No appointment was made.

- 7.2.2 Parks and Recreation Advisory Board (one exclusive appointment - term expires April 2010) (members should have a concern with or an interest in the park facilities and recreational needs of the citizens of the Town)

No appointment was made.

- 7.2.3 Open Space Advisory Committee Agency (one exclusive - term expires April 2010)

No appointment was made.

7.3 Councilmember Starkey

- 7.3.1 Open Space Advisory Committee Agency (one exclusive appointment - term expires April 2010)

No appointment was made.

- 7.3.2 Youth Education and Safety Advisory Board (one exclusive appointment - term expires April 2010) (members shall, whenever possible, have interest and expertise in law enforcement, elementary school instruction, education matters, child psychology, pediatric medicine, parenthood and grandparenthood)

No appointment was made.

- 7.4 Unsafe Structures Board (one non-exclusive appointment; term expires April 2009) (appointment shall be a plumbing contractor - member shall be a permanent resident or have their principal place of business within the Town's jurisdiction)

No appointment was made.

8. OLD BUSINESS

- 8.1 Affordable Housing Advisory Committee Affordable Housing Incentives Report and Recommendations

Interim Housing Director Giovanni Moss reported that staff had reviewed the incentive plan and determined it to be adequate. He recommended that no changes be made.

Councilmember Starkey made a motion, seconded by Mayor Truex, to accept the report. In a roll call vote, the vote was as follows: Mayor Truex - yes; Vice-Mayor Luis - yes; Councilmember Crowley - yes; Councilmember Hubert - absent; Councilmember Starkey - yes. (Motion passed 4-0)

9. NEW BUSINESS

- 9.1 Construction of Press Box and Bleachers at Bamford Park

Earlier in the meeting, Mr. Diez reported that staff had reviewed the estimate created by Davie Recreation Leagues for the press box and determined it was reasonable. This estimate was for \$130,000 for the specified scope of work. Mr. Diez believed that if

Council desired, staff could go out to bid for the press box to match the Davie Recreation League estimate.

Mayor Truex asked if anyone wished to speak on this issue.

Michael Bartlett, Parks and Recreation Advisory Board member, informed Council that the Board unanimously supported the press box.

Howard Cohen, President of Davie Tackle Football Club, explained that the press box was for the use of coaches and announcers to view the game, with an equipment/storage room underneath. Kids could also utilize the building for protection during inclement weather.

Bernie Osborne, Parks and Recreation Advisory Board member, reiterated that the Board supported this project. He remarked that Davie had very nice fields to play on, but only a shack instead of a proper press box.

Peter Dunne was thrilled to see this item on the agenda. He believed the new press box would allow them to bring their sports programs to a higher competitive level. Mr. Dunne asked Council to support the project.

Jeff Donahoe said that parents of kids involved in sports were willing to help build the press box themselves.

As no one else spoke, Mayor Truex closed the floor to public input.

Mayor Truex supported the project, and wanted to get started on it right away.

Councilmember Starkey thought Council had requested three renderings from a staff architect and said that she did not want to shortchange the park by building something that resembled a shipping container. Mr. Shimun indicated that Council had not reached consensus regarding the renderings at a previous meeting. Councilmember Starkey also recalled discussing possible funding options. Mr. Shimun said that in order to engage an architect, Council must identify funds and provide staff input for what they wanted. Councilmember Starkey thought Council had directed staff to use funds from District 2 to pay for the services of an architect.

Vice-Mayor Luis felt the rendering from the Davie Recreation Leagues appeared very serviceable, and everyone would be happy with it. He did not desire to see any additional renderings. Mayor Truex agreed.

Mayor Truex stated that if Councilmember Crowley adamantly opposed using open space funds, he believed they could use Community Endowment funds. Councilmember Crowley did not agree with using Community Endowment funds and remembered that Mr. Rayson had advised them that the funds must come entirely out of District 2. Councilmember Crowley did not favor using an architect. He suggested putting this project in the Capital Improvement Project plan. Councilmember Crowley wanted to see some contribution from sports teams and the participants' parents, and suggested a fundraiser. Mr. Bartlett felt this was the least they could do and believed parents would help.

Mr. Diez cautioned that any parent who wanted to contribute labor must be a licensed contractor.

Councilmember Crowley made a motion, seconded by Mayor Truex, to approve. Mr. Diez confirmed with Council that the project should be added to the 2009 CIP plan. In a voice vote, with Councilmember Hubert absent, all voted in favor. (Motion carried 4-0)

10. SCHEDULE OF NEXT MEETING

10.1 Vision/Goal Setting Session

Council agreed to set the Goal Setting session for March 20, 2009.

11. MAYOR/COUNCILMEMBER'S COMMENTS

COUNCILMEMBER STARKEY

TALK TO US SYSTEM. Councilmember Starkey asked that Council be provided reports from the system.

POLICE/FIRE WEBSITE. Councilmember Starkey congratulated the Police and Fire Departments on their new website.

PALMA NOVA SECURITY/FIRE ISSUES. Councilmember Starkey asked the Fire Department to check Palma Nova to determine if there was an arson issue, or if the recent fires were caused by disconnecting electrical services.

VICE-MAYOR LUIS

WAVERLEY HOMEOWNERS ASSOCIATION PLAYGROUND EQUIPMENT.

Vice-Mayor Luis assured Waverley residents that their playground equipment was coming.

BUDGET AND OPEN SPACE ADVISORY BOARD APPOINTMENTS. Vice-Mayor Luis needed citizens to volunteer for appointment to the Budget Advisory Committee and the Open Space Advisory Committee. He stated that he would consider appointing a qualified resident from outside his district.

MAYOR TRUEX

CRA IMPROVEMENTS ON 41ST STREET. Mayor Truex felt that a solution must be found. He believed that staff should conduct resident input meetings regarding projects that would have an impact on a community.

BUDGET MEMO GUIDELINES. Mayor Truex congratulated Mr. Shimun on the recent budget memo. He appreciated that raising taxes had not been considered as the first line of defense.

COUNTY CHANGE TO BAR ENTRANCE AGE. Mayor Truex requested that this item be put on a future agenda. He believed this amounted to penalizing people who were not breaking the law. Mr. Shimun said that it would be the Town's choice whether or not to enforce this law. Mr. Rayson added that the Town's resources were used toward public safety, not to enforce County ordinances.

GRAFFITI REMOVAL. Mayor Truex asked the process for graffiti removal from utility equipment and County-owned signs. Police Chief Patrick Lynn said that the Town's ordinance applied in these circumstances. He reported that staff had contacts at FPL, BellSouth and Broward County traffic control with whom they could follow-up on graffiti removal. Chief Lynn recommended that residents phone the non-emergency police phone number and their graffiti complaint would be documented and addressed.

KUDOS TO THE CLERK'S OFFICE. Mayor Truex remarked on the improvements to Council's agendas.

12. TOWN ADMINISTRATOR'S COMMENTS

No comments were made.

13. TOWN ATTORNEY'S COMMENTS

SPECIAL EXECUTIVE SESSION. Mr. Rayson asked Council to reset an executive session he had been forced to cancel, to discuss the Club Eden and Wal-Mart cases. Councilmember Crowley suggested April 1st because Mr. Caletka would be sworn in by then. Mr. Rayson agreed to inform Council at their next meeting if they must meet earlier than April 1.

14. ADJOURNMENT

There being no further business to discuss and no objections, the meeting was adjourned at 9:31 p.m.

Approved _____

Mayor/Councilmember

Town Clerk